

S. R. No. 26, beg leave to submit the following report.

BECK, Chairman.

(This report will be found on page 267.)

Committee Room,  
Austin, Texas, Feb. 6, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 6, A bill to be entitled "An Act regulating the introduction of testimony in any case where a petitioner seeks an injunction to enjoin the enforcement of rates fixed by any rateseking body empowered by the laws of this State to fix the particular rate complained of, said Act to be known as Article 4663-a of the Revised Civil Statutes of Texas 1925; repealing all laws and parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Feb. 6, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 67, A bill to be entitled "An Act to amend S. B. No. 68, Chapter 106, beginning on page 489 General and Special Laws of the First Called Session of the Fortieth Legislature, entitled, 'An Act to authorize incorporated cities, towns, and villages incorporated under either General or Special Laws, including those operating under a special charter or amendments of charter adopted pursuant to Home Rule provisions of the Constitution, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares and any portion or portions thereof, and to assess the cost thereof against abutting property owners thereof, etc.,' providing for more adequate notice in the letting of contracts, etc., repealing all

laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 17, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

#### Minutes of Committee Meetings.

Minutes of the Committee on Finance  
February 6, 1935.

(After Recess.)

Present: Redditt, Beck, Burns, Duggan, Hill, Holbrook, Hornsby, Hopkins, Hughston, Martin, Neal, Oneal, Poage, Rawlings, Regan, Sanderford, Stone, Van Zandt and Woodruff.

Absent-Excused: Sulak and Small.

S. R. No. 23, reported favorably with amendment.

S. R. No. 31, reported favorably with amendment.

NOEL K. BROWN, Secretary.

#### TWENTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
February 8, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

|           |             |
|-----------|-------------|
| Beck.     | Neal.       |
| Blackert. | Oneal.      |
| Burns.    | Pace.       |
| Collie.   | Poage.      |
| Cotten.   | Rawlings.   |
| Davis.    | Redditt.    |
| DeBerry.  | Regan.      |
| Duggan.   | Sanderford. |
| Fellbaum. | Shivers.    |
| Hill.     | Small.      |
| Hopkins.  | Stone.      |
| Hornsby.  | Sulak.      |
| Hughston. | Westerfeld. |
| Martin.   | Woodruff.   |
| Moore.    |             |

Absent—Excused.

Holbrook. Van Zandt.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Committee Reports.

(See Appendix.)

#### Minutes of Committee Meetings.

(See Appendix.)

#### Senator Excused.

Senator Holbrook was excused for the day to attend the funeral of Col. Nat Washer of San Antonio, on motion of Senator Oneal.

#### Bills and Resolutions.

##### Senate Bill No. 256.

By Senator Neal:

S. B. No. 256, A bill to be entitled "An Act providing for payment of the salary of the ex-officio county superintendent of public instruction in all counties having not less than four thousand nine hundred and nineteen (4,919) and not more than four thousand nine hundred and twenty (4,920) population according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

##### Senate Bill No. 257.

By Senator Redditt:

S. B. No. 257, A bill to be entitled "An Act making certain emergency

appropriations out of the General Revenue of the State of Texas to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the judiciary to pay expenses of district judges and district attorneys as per Article 6820, R. C. S., and declaring an emergency."

Read and referred to the Committee on Finance.

##### Senate Bill No. 258.

By Senator Redditt:

S. B. No. 258, A bill to be entitled "An Act amending Article 2533, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-third Legislature, First Called Session, 1933, as shown on page 231 of said Acts, being a portion of Chapter 89, Section 1; and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Read and referred to the Committee on Finance.

##### Senate Bill No. 259.

By Senator Redditt:

S. B. No. 259, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas, to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the judiciary, and for traveling expenses of the Judges of the Courts of Civil Appeals when on exchange of benches, to pay deficiency certificates already issued against such appropriations, and declaring an emergency."

Read and referred to the Committee on Finance.

##### Senate Bill No. 260.

By Senator Pace:

S. B. No. 260, A bill to be entitled "An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for ex-

penses of said district attorney; making an appropriation and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 261.

By Senator Regan:

S. B. No. 261, A bill to be entitled "An Act amending subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of the holding of same; repealing Chapter 183, page 597, Acts of the Regular Session of the Forty-first Legislature, 1929; validating all processes, writs, bonds and recognizances of every kind and character heretofore issued or entered and all grand or petit jurors drawn and selected under the existing laws by the various counties affected by this Act, that same shall be returnable to and said jurors serve for the next term of court in the various counties affected, after the taking effect of this Act; providing the time for this Act to take effect; and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

#### Senate Bill No. 262.

By Senator Hornsby:

S. B. No. 262, A bill to be entitled "An Act to amend Article 3923, Chapter 2, Title 61, Revised Civil Statutes of Texas, 1925, relating to fees to be charged by the clerk of the Supreme Court so as to authorize such court to prescribe fees to be charged by its clerk for services not specifically provided by statute, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senate Resolution No. 39.

Senator Sanderford sent up the following resolution:

Whereas, Members of the Texas Press Association are now in convention in Austin, Texas; and,

Whereas, This membership represents a large portion of the weekly and semi-weekly papers of Texas which serve the rural districts; and,

Whereas, Certain rules adopted by the Senate do not permit them the courtesy of the floor during

session as was accorded representatives of the Daily Press; therefore, be it

Resolved, That each member of the Texas Press Association now visiting in Austin be accorded the privileges of the floor upon making it known to the Doorkeeper or the Sergeant-at-Arms that he or she is a member of this Association.

SANDERFORD.

Read.

Senator Sanderford moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. R. No. 39 be taken up and considered at this time.

The motion prevailed by viva voce vote.

Senator Sanderford moved the adoption of S. R. No. 39.

The motion prevailed by viva voce vote.

#### Senate Resolution No. 40.

Senator Blackert sent up the following resolution:

Whereas, The Second Interstate Assembly will meet in Washington, D. C., Friday and Saturday, February 22-23, 1935; and

Whereas, This assembly was organized in 1933 with President Roosevelt's assistance, the delegates thereto from some thirty-two states representing the Governor of the State and one representative from the Senate and one from the House of Representatives; and

Whereas, This assembly deals with matters largely involving the attitude of the Federal Government on taxation matters and other kindred matters; and

Whereas, There is a great tendency for the National Government to take over the field of taxation from the various state governments and it is important that the Senate of Texas be adequately represented in order that her position, looking towards the return of states' rights on taxation problems and all other kindred matters, be properly urged at such meeting; now, therefore, be it

Resolved by the Senate, That the Lieutenant Governor appoint a delegate to such assembly to represent the Senate of Texas at such meeting and that the necessary cost incurred

by said Senator be paid from the contingent fund.

BLACKERT.

Read and referred to the Committee on Finance.

### House Bill No. 197.

Pending business was H. B. No. 197.

H. B. No. 197, A bill to be entitled "An Act to promote and make practical the conservation and timely utilization of the natural resources of the State in compliance with the intent and command of Section 59 of Article XVI of the Constitution; and to meet the emergency created by the request of the Federal Government that the State make immediate provision, under warrant of law, whereby there may be desirable coordination between plans for improvements in Texas by the Federal Government, by means of expenditures to be made by the 'National Resources Board,' and other Federal agencies, and such improvements as hereafter may need to be provided by the agencies of the State, etc., and declaring an emergency."

Senator Westerfeld sent up the following amendment:

Amend H. B. No. 197, Section 2, line 32, by striking out all of line 32 after the words "set forth" to and including the word "created" in line 34, and substitute in lieu thereof the following:

"Upon the passage of this Act the Governor shall appoint two members of the Board, the Speaker of the House of Representatives shall appoint two members of the Board and the Lieutenant Governor shall appoint two members of the Board, all of whom shall serve during the period for which the Board is created."

WESTERFELD.

Read.

Senator Poage sent up the following substitute amendment:

Amend H. B. No. 197 by striking out the words "Secretary of State" wherever they appear, and insert in each such place the words "Chairman of the State Board of Water Engineers," and by striking out the words "ex-officio" wherever they appear except in Committee Amendment No. 3.

POAGE.

### Motion to Adopt.

Senator Poage moved the adoption of the substitute amendment to the amendment offered by Senator Westerfeld.

Senator Westerfeld asked unanimous consent to withdraw his amendment to H. B. No. 197.

Consent was granted.

Senator Martin sent up the following substitute amendment for the amendment offered by Senator Poage:

Amend H. B. No. 197 by striking out Section 2 and inserting the following:

Sec. 2. A board is hereby created and established, which shall be known as "The Texas Planning Board" and which shall cease to exist on January 1, 1939. The Board shall consist of seven (7) members, one of whom shall be the Chairman of the Board of Water Engineers as an ex-officio member thereof, and six other citizens of the State, two of whom shall be appointed by the Governor, two by the Lieutenant Governor, and two by the Speaker of the House of Representatives, all of said appointees to be confirmed with the advice and consent of the Senate. The members shall serve for the duration of the Board. In the event any vacancy occurs on said Board it shall be filled by the official making the appointment originally. The Chairman of the Board of Water Engineers shall be chairman of The Texas Planning Board. Before entering upon the discharge of his duties, each member of the Board shall qualify by taking the oath required by the Constitution and laws of this State.

MARTIN,  
SMALL,  
STONE.

Read.

Senator Shivers sent up the following amendments to the substitute:

### Amendment No. 1.

Amend Martin substitute as follows: After the words "citizens of the State" strike out the following: "two of whom shall be appointed by the Governor, two by the Lieutenant Governor, and two by the Speaker of the House of Representatives."

And insert in lieu thereof the words:

"All of whom shall be appointed by a joint committee composed of the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives."

SHIVERS.

Read.

Amendment No. 2.

Amend Martin substitute by adding the following:

"One member of the Board shall be affiliated with organized labor."

SHIVERS.

Pending.

Request for Executive Session.

Senator Oneal asked unanimous consent of the Senate to order an executive session for today at 2:00 o'clock p. m., to consider the Governor's nomination.

Unanimous consent was granted.

S. C. R. No. 15.

Senator Redditt received unanimous consent to send up the following concurrent resolution:

Be It Resolved, by the Senate of Texas, the House of Representatives concurring,

That Hon. F. P. Adams, Judge of the First Judicial District Court of Texas, be, and he is hereby, granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1935 and 1936, taking into consideration the condition of the docket of said court.

REDDITT.

Read.

Senator Redditt moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 15 be taken up and considered at this time.

The motion prevailed.

Senator Redditt moved the adoption of S. C. R. No. 15.

The motion prevailed by viva voce vote.

Statement.

Senator Poage received unanimous consent to send up and have printed in the Journal the following statement:

The State of Texas )

County of Travis ) Before me,

the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared W. R. Poage, known to me, and known by me to be a credible person who being by me first duly sworn deposes and says:

"My name is W. R. Poage. I am a member of the State Senate and represent the Thirteenth Senatorial District of Texas. I have practiced law in the City of Waco for the past ten years, and am still so engaged. It is my principal occupation or profession. I have examined my books for the year 1934 and find that I have received fees from the following persons, firms and corporations and from no others so far as I am able to ascertain:

Helen Mack, E. A. Harp, Parke D. Evers, — — Brewster, Edith Perry, Commercial Credit Co., Bernyce Young, George Harris, Mrs. R. M. Harris, Kerr & Gayer, Oxford Hills, Inc., Harry L. Bushong, Stratton-Stricker, Frank T. Taylor, — — Patterson, J. K. Lankford, Henry Crown, J. W. Tripplehorn, Jas. Wynne, Mrs. J. A. Harrison, Ralph Coffelt, — — Fredrick, Raymond Kendrick, J. F. Holly, Nolan Phillips, Central Freight Lines, Inc., R. H. Minton, Mack Norton, W. M. Cochran, Ruth Jean Hamilton, Frank Arebalo, Rupert Carroll, Oletha Carroll, Alfred Carroll, Mrs. J. P. Robins, Mrs. Belle Simmons, Mrs. Leona Teague, Mag Bushong Estate, J. H. McDonough, R. N. McDonough, Fred Frizzell, M. A. Dickie, R. B. Fore, L. C. Bushong, Clara Weinzirl, — — Hamlet, George Clark.

"I do not receive any retainer's fees from any person, firm or corporation and never have. I have never ridden a bus pass and do not own any stock in any transportation, utility or oil corporation. I have a first cousin who is employed as a seamstress in the State Home for Dependent and Neglected Children at a salary of \$32.50 per month. I have a second cousin teaching school in the public schools of Mercedes, Texas. I may have other cousins employed in some capacity, but so far as I know these are the only relatives that I have who are em-

ployed by the State of Texas or any subdivision thereof."

(Signed) W. R. POAGE.

Subscribed and sworn to before me the undersigned authority, this 8th day of February, A. D. 1935, to certify which witness my hand and seal of office.

(Seal) TILDEN L. CHILDS,  
Notary Public, Travis County, Texas.

#### Senate Bill No. 104.

Senator Rawlings asked permission of the Senate to take S. B. No.

104 from the Calendar Clerk's desk, for the purpose of sending it to the Attorney General for an opinion.

There was no objection.

#### Bills and Resolution Signed.

The Chair Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

S. B. No. 186.

S. B. No. 57.

S. C. R. No. 14.

#### Recess.

On motion of Senator Redditt the Senate at 12:20 o'clock p. m., recessed until 1:45 o'clock p. m.

#### After Recess.

The Chair Lieutenant Governor Walter F. Woodul called the Senate to order at 1:45 o'clock p. m.

#### Personal Privilege.

Senator Sanderford rose to a point of personal privilege, relative to his vote in committee on the confirmation of Mrs. Sarah T. Hughes.

#### Senate Bill No. 109.

Senator Beck moved that the Senate do concur in House amendments to S. B. No. 109.

The motion prevailed by the following vote:

Yeas—29.

|           |           |
|-----------|-----------|
| Beck.     | DeBerry.  |
| Blackert. | Duggan.   |
| Burns.    | Fellbaum. |
| Collie.   | Hill.     |
| Cotten.   | Hopkins.  |
| Davis.    | Hornsby.  |

Hughston.  
Martin.  
Moore.  
Neal.  
Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.

Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Westerfeld.  
Woodruff.

Absent—Excused.

Holbrook.

Van Zandt.

#### Executive Session.

The Chair at 2 o'clock p. m., stated that the time set for executive session had now arrived. The chamber was cleared and the doors locked.

#### After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session:

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be Regents of Texas State College for Women (College of Industrial Arts, at Denton, Texas):

Mrs. W. E. Spell, of McLennan County, (reappointment).

Mrs. H. F. Ring, of Harris County (reappointment).

Mrs. James Monroe Charlton, of Bexar County.

To be a member of the Board of Regents of the University of Texas:

George D. Morgan, Tom Green County, San Angelo, Texas, to succeed Charles I. Francis.

To be a member of the Board of Regents of State Teachers' Colleges:

J. E. Josey of Harris County, (reappointment).

ONEAL, Chairman.

#### Adjournment.

On motion of Senator Sanderford the Senate at 3:50 o'clock p. m., adjourned until 10 o'clock a. m., Monday.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

**Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 57 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 14 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 186 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 182, A bill to be entitled  
"An Act amending the Acts of 1903,

Twenty-eighth Legislature, Regular Session, page 123, Chapter XCV, S. B. No. 76, Sections 1, 2 and 3 which is now Article 4576 Revised Statutes of 1925 providing for the appointment of members of the State Board of Embalming so as to create a rotating board."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. C. R. No. 9, Granting Joe B. Friedel permission to operate a cigar stand in the Capitol Building.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the committee amendment.

BECK, Chairman.

**Committee Amendment.**

Amend by adding new section as follows:

The Board of Control is hereby authorized and directed to forthwith provide a coffee shop or eating place in the Capitol for the convenience of the members of the Legislature, officials and employees.

Committee Room,  
Austin, Texas, Feb. 8, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to amend Article 4704, Chapter 2, Title 78, of the Revised Civil Statutes of the State of Texas, 1925, relating to stock of insurance companies, so as to provide that the shares of stock of any insurance company organized under the laws of Texas, if stock with a nominal or par value, shall be divided into shares of not less than \$10.00 each nor more than \$100.00 each; authorizing any insurance company hereafter or heretofore organized under the laws of this State to issue shares of its stock without nominal or par value; providing that not less than fifty per cent of authorized number

of said shares to be subscribed and paid for, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, Feb. 8, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 48, A bill to be entitled "An Act to amend Sections 2, 5 and 7 of Chapter 96, of the Acts of the Regular Session of the Forty-second Legislature so as to include agents of fidelity and surety companies in the definitions contained in said Act and to make the same apply to such agents and so as to redefine the term 'solicitor' as used in said Act and prescribing a solicitor's qualifications and so as to prohibit the licensing of an individual or firm to engage in the insurance business principally to handle business which he controls only through ownership, mortgage or sale; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, Feb. 8, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 76, A bill to be entitled "An Act to amend Article 4758, Chapter 1, Title 78."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 220, amendment relative to contents of birth certificates; providing that this Act shall be cumu-

lative of all laws now existent pertaining to this subject matter.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 255, A bill to be entitled "An Act amending Article 2199 of the Revised Civil Statutes of this State so as to allow the jury to hear the court reporter read from his notes where there is any disagreement among the jury as to the statement of any witness, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 120, A bill to be entitled "An Act amending Article 2189 of the Revised Civil Statutes of Texas, 1925, relating to special issues in civil cases, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 129, A bill to be entitled "An Act to amend Article 3892, Revised Civil Statutes of the State of Texas, 1925, as amended Acts 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20, Section 4; repealing all laws in conflict herewith and declaring an emergency."



Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to amend Article 1856, Revised Civil Statutes of Texas so as to confine reversals or errors to substance and merit, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 119, by striking out the words "and probably did cause" in the first proviso.

Committee Amendment No. 2.

Amend S. B. No. 119, by striking out the words "probably prevented" and inserting in lieu thereof the words "was reasonably calculated to prevent" in the first proviso.

Committee Amendment No. 3.

Amend S. B. No. 119, by adding at the end of Section 1, the following:

"Provided, fourth, that this Act shall not apply to or affect any cause in which a final judgment has been entered in the trial court prior to the effective date of this Act."

And by adding to the emergency clause the words "thirty days" just before the words "from and after its passage."

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 124, A bill to be entitled "An Act to amend Article 2207, Revised Statutes of Texas, 1925, relat-

ing to defective, informal or conflicting verdicts; providing a court may reform verdicts at the bar; providing a verdict is not responsive to the issue or issues submitted, or if there be conflict in the findings of the jury, the court shall call their attention thereto and send them back for further deliberation; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remaining portions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 7, being

"Senate Concurrent Resolution agreeing and consenting for the Federal Government to purchase lands in Texas for National Parks or National Forest purposes."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendment, and be printed.

PACE, Chairman.

Committee Amendment.

Add a new paragraph before the last paragraph on Page 2, to read as follows:

And Whereas, The Federal Government contemplates the purchase of land in Texas for the purpose of establishing reserves for the propagation and conservation of game and fish, which said land or lands are particularly suitable for such purposes; the purchase of said lands, if any, to be first approved by the Game, Fish & Oyster Commission of Texas.

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 11, being

"House Concurrent Resolution granting to Mrs. Rhoda Sweatt and Miss Mae Vance, each permission to bring suit against the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

PACE, Chairman.

Committee Amendment.

Amend H. C. R. No. 11, by adding after the word "jurisdiction" in the resolving clause the words "in Travis County."

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 8, being  
"A House Concurrent Resolution giving Maney & Alley, Contractors, permission to sue the State Highway Commission and the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 247, A bill to be entitled "An Act providing for interest at the rate of 6% per annum on all moneys or royalties payable or deliverable on account of the production of oil, gas or other minerals from lands within this State, when said moneys or royalties are not paid within thirty days from the production of said interest on royalties payable in minerals; providing that said interest shall not be payable if said moneys or royalties are deposited in escrow or trust fund from which the person obligated to pay same derives no benefit; providing that all contracts or parts thereof in conflict with this Act shall be void and of no effect and defining the term "person" as used herein; providing that each pro-

vision of this Act is enacted independent of any other provision and that any clause or sentence or part thereof declared unconstitutional shall not effect any other clause, sentence, provision or portion thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 247, by changing "thirty days" to "forty-five days" in line 6, page 1.

Committee Amendment No. 2.

Amend S. B. No. 247, by changing "provided" in Section 2 to "and."

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 171, A bill to be entitled "An Act to amend Article 7091 and Article 7092 of the Revised Statutes of 1925 relative to penalties for failure to pay corporate franchise taxes and providing for the forfeiture of corporate charters and rights to do business for failure to pay such taxes and penalties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

PACE, Chairman.

Committee Amendment.

Amend S. B. No. 171, by adding the words "and liabilities" after "bet" in line 29 of page 1.

Committee Room,  
Austin, Texas, Feb. 7, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 165, A bill to be entitled "An Act relating to the investment

of sinking funds created for the purpose of paying the bonds of any county, city, town, school district or improvement district; adding two new articles to Chapter 8, Title 22, Revised Civil Statutes, 1925, so as to require the treasurer or other depository of any county, city, town, or district to receive approval of State Depository Board and to report to the State Comptroller each purchase of bonds as investments for such sinking funds, and the amount paid therefor; prescribing penalty for failure to make such report, and the method of recovering such penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

PACE, Chairman.

#### Committee Amendment.

Amend S. B. No. 165, by adding at the end of Article 837-A the following:

"and the written approval of such purchase by the Depository Board must be had by such treasurer or other depository of such bonds before such sale can be completed."

Committee Room,

Austin, Texas, Feb. 7, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 66, A bill to be entitled "An Act amending Section 10 and 12 of Chapter 206, Acts of the Forty-second Legislature of Texas, regular session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but pass with the committee substitute in lieu thereof and be printed.

PACE, Chairman.

#### Committee Amendment.

Amend S. B. No. 66, by substituting therefor the following:

"A BILL

To Be Entitled

An Act fixing and changing the date for the County Judge to prepare the Budget for the County and also changing the date for the

Commissioners' Court to have a Public Hearing on the County Budget; repealing all parts of laws in conflict herewith and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The County Judge in each county in this state shall prepare in the manner now prescribed by law during the month of June each year a budget for the county, and the Commissioners' Court in each county shall hold a public hearing on said budget and adopt a budget for the county in the manner now prescribed by law; the date of the hearing and the adoption of the budget by the Commissioners' Court to be subsequent to July 10th and prior to the levying of taxes by said Commissioners' Court.

Sec. 2. All parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that the Forty-Third Legislature enacted a law granting certain benefits to taxpayers for the early payment of taxes and the further fact that as the law now stands some counties are not able to fix the county tax rate until the September term of the Commissioners' Court—thereby delaying the assessor in the preparation of his tax rolls—makes it necessary that the adoption of the county budget be completed at an earlier date than now prescribed by law creates an emergency, and an imperative public necessity that the Constitutional Rule requiring that Bills be read on three (3) several days in each House and the further Constitutional Rule as to the time when laws take effect be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage."

#### Minutes of Committee Meetings.

##### Minutes of Committee on State Affairs.

Held February 7, 1935.

##### Regular Meeting.

Present: Pace, Collie, Cotten, Fellbaum, Holbrook, Hornsby, Hopkins, Hughston, Moore, Rawlings, Redditt, Regan, Shivers, Small and Stone.

Absent: Blackert, DeBerry, Mar-

tin, Oneal (granted unanimous consent to attend Committee on Governor's Nominations which met at the same hour). Sulak (excused).

S. B. No. 66, was reported favorably by viva voce vote with the recommendation it pass with committee substitute and be printed.

S. B. No. 165, was reported favorably by viva voce vote with the recommendation it pass with committee amendment, and be printed.

S. B. No. 171, was reported favorably by viva voce vote with the recommendation it pass as amended and be printed.

S. B. No. 247, was reported favorably by viva voce vote with the recommendation it pass as amended and be printed.

S. C. R. No. 7, was reported favorably by viva voce vote with the recommendation it pass as amended and be printed.

H. C. R. No. 8, was reported favorably by viva voce vote with the recommendation it pass and be printed.

H. C. R. No. 11, was reported favorably by viva voce vote with the recommendation it pass as amended and be printed.

W. S. REEVES, Secretary.

#### Minutes of Committee on Towns and City Corporations.

Held February 5, 1935.

##### Regular Meeting.

Present: Rawlings, Redditt, Collie, Martin, Poage, Sanderford, Stone and Westerfeld.

S. B. No. 67, was reported favorably by unanimous vote, with the recommendation that it be printed.

S. B. No. 6, was reported favorably by unanimous vote, with the recommendation that it be printed.

JACQUE BARCUS, Secretary.

#### Minutes of Committee on Insurance.

Held February 7, 1935.

Present: Collie, Hughston, Cotten, DeBerry, Holbrook, Moore, Pace, Poage, Rawlings, Shivers, Westerfeld and Woodruff.

Absent: Sulak, excused on account of illness.

S. B. No. 41, was reported favorably by viva voce vote.

S. B. No. 48, was reported favorably by the following vote:

Yeas: Collie, Hughston, Holbrook, Moore, Poage, Rawlings and Shivers.  
Nays: Cotten, DeBerry, Westerfeld and Woodruff.

Absent: Pace and Sulak (excused).

S. B. No. 75 laid on table subject to call.

S. B. No. 177 set for hearing Tuesday at 9:00 a. m.

S. B. No. 139 and S. B. No. 140 set for special order next Thursday at 4:00 p. m.

S. B. No. 76, was reported favorably by viva voce vote.

BILL GEORGE, Secretary.

#### Minutes of Committee Meetings.

Minutes of Committee on Public Health, Held February 7, 1935, Regular Meeting.

Present: Beck, Sanderford, Holbrook, Hornsby, Oneal, Rawlings, Redditt, Small, Woodruff, Davis, Hughston.

S. B. No. 182 was reported favorably by the following vote:

Yeas: Beck, Sanderford, Holbrook, Oneal, Rawlings, Redditt, Woodruff, Hughston.

Nays: None.

S. B. No. 59 was reported favorably with an unfavorable minority report by the following vote:

Yeas: Beck, Sanderford, Rawlings, Woodruff, Hughston.

Nays: Holbrook, Oneal. Holbrook gave notice of minority report.

H. C. R. No. 9 was reported favorably, with committee amendment, by the following vote:

Yeas: Sanderford, Oneal, Rawlings, Woodruff.

Nays: Beck, Holbrook, Hughston.

S. B. No. 220 was reported favorably by the following vote:

Yeas: Beck, Sanderford, Rawlings, Woodruff, Hughston, Holbrook, Oneal.

Nays: None.

BECK, Chairman.

#### TWENTY-FOURTH DAY.

Senate Chamber,

Austin, Texas,

February 11, 1935.

The Senate met at 10 o'clock, a. m., pursuant to adjournment, and